

SENATE BILL NO. 1025

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources

on _____)

(Patron Prior to Substitute--Senator Spruill)

A BILL to amend and reenact § 3.2-6500 of the Code of Virginia, relating to companion animals; adequate shelter and space.

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6500 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6500. Definitions.

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of four consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily,

except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a that the tether that to which the animal is attached permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness that is configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; ~~and~~ is at least three 15 feet in length or four times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is greater, except when the animal is being walked on a leash or is attached by a tether to a lead line; does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight; and does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for the purpose

53 of this definition. When freedom of movement would endanger the animal, temporarily and appropriately
54 restricting movement of the animal according to professionally accepted standards for the species is
55 considered provision of adequate space.

56 "Adequate water" means provision of and access to clean, fresh, potable water of a drinkable
57 temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate
58 for the weather and temperature, to maintain normal hydration for the age, species, condition, size and
59 type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of
60 hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are
61 accessible to each animal and are placed so as to minimize contamination of the water by excrement and
62 pests or an alternative source of hydration consistent with generally accepted husbandry practices.

63 "Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal,
64 from a releasing agency to an individual.

65 "Agricultural animals" means all livestock and poultry.

66 "Ambient temperature" means the temperature surrounding the animal.

67 "Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522,
68 animal means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any
69 nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a
70 reasonable and customary manner.

71 "Animal control officer" means a person appointed as an animal control officer or deputy animal
72 control officer as provided in § 3.2-6555.

73 "Boarding establishment" means a place or establishment other than a public or private animal
74 shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange
75 for a fee. "Boarding establishment" shall not include any private residential dwelling that shelters, feeds,
76 and waters fewer than five companion animals not owned by the proprietor.

77 "Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the
78 animal's neck in such a way as to prevent trauma or injury to the animal.

79 "Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or
80 more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

81 "Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate,
82 guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or
83 native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any
84 animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any
85 animals regulated under federal law as research animals shall not be considered companion animals for
86 the purposes of this chapter.

87 "Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring
88 the services of a boarding establishment. The term "consumer" shall not include a business or corporation
89 engaged in sales or services.

90 "Dealer" means any person who in the regular course of business for compensation or profit buys,
91 sells, transfers, exchanges, or barters companion animals. The following shall not be considered dealers:
92 (i) any person who transports companion animals in the regular course of business as a common carrier
93 or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

94 "Direct and immediate threat" means any clear and imminent danger to an animal's health, safety
95 or life.

96 "Dump" means to knowingly desert, forsake, or absolutely give up without having secured another
97 owner or custodian any dog, cat, or other companion animal in any public place including the right-of-
98 way of any public highway, road or street or on the property of another.

99 "Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening
100 condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

101 "Enclosure" means a structure used to house or restrict animals from running at large.

102 "Euthanasia" means the humane destruction of an animal accomplished by a method that involves
103 instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by
104 an agent that causes painless loss of consciousness, and death during such loss of consciousness.

105 "Exhibitor" means any person who has animals for or on public display, excluding an exhibitor
106 licensed by the U.S. Department of Agriculture.

107 "Facility" means a building or portion thereof as designated by the State Veterinarian, other than
108 a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or
109 enclosures in which animals are housed or kept.

110 "Farming activity" means, consistent with standard animal husbandry practices, the raising,
111 management, and use of agricultural animals to provide food, fiber, or transportation and the breeding,
112 exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals
113 pursuant to such purposes.

114 "Foster care provider" means a person who provides care or rehabilitation for companion animals
115 through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or
116 other animal welfare organization.

117 "Foster home" means a private residential dwelling and its surrounding grounds, or any facility
118 other than a public or private animal shelter, at which site through an affiliation with a public or private
119 animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or
120 rehabilitation is provided for companion animals.

121 "Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or
122 treats for external parasites any animal.

123 "Home-based rescue" means an animal welfare organization that takes custody of companion
124 animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a
125 system of foster homes.

126 "Humane" means any action taken in consideration of and with the intent to provide for the
127 animal's health and well-being.

128 "Humane investigator" means a person who has been appointed by a circuit court as a humane
129 investigator as provided in § 3.2-6558.

130 "Humane society" means any incorporated, nonprofit organization that is organized for the
131 purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of
132 animals.

133 "Incorporated" means organized and maintained as a legal entity in the Commonwealth.

134 "Kennel" means any establishment in which five or more canines, felines, or hybrids of either are
135 kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

136 "Law-enforcement officer" means any person who is a full-time or part-time employee of a police
137 department or sheriff's office that is part of or administered by the Commonwealth or any political
138 subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement
139 of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers
140 who are not full-time employees as defined by the employing police department or sheriff's office.

141 "Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals;
142 porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish
143 in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human
144 food or fiber; or any other individual animal specifically raised for food or fiber, except companion
145 animals.

146 "New owner" means an individual who is legally competent to enter into a binding agreement
147 pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

148 "Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any
149 locality.

150 "Other officer" includes all other persons employed or elected by the people of Virginia, or by any
151 locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

152 "Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an
153 animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

154 "Pet shop" means a retail establishment where companion animals are bought, sold, exchanged, or
155 offered for sale or exchange to the general public.

156 "Poultry" includes all domestic fowl and game birds raised in captivity.

157 "Primary enclosure" means any structure used to immediately restrict an animal or animals to a
158 limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term
159 includes the shelter and the area within reach of the tether.

160 "Private animal shelter" means a facility operated for the purpose of finding permanent adoptive
161 homes for animals that is used to house or contain animals and that is owned or operated by an
162 incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare
163 organization, society for the prevention of cruelty to animals, or any other similar organization.

164 "Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the
165 primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned
166 contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the
167 hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from
168 being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous
169 chemicals or disinfectants.

170 "Properly lighted" when referring to a facility means sufficient illumination to permit routine
171 inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to
172 provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout
173 the facility; and to promote the well-being of the animals.

174 "Properly lighted" when referring to a private residential dwelling and its surrounding grounds
175 means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the
176 companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to
177 promote the well-being of the animals.

178 "Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the
179 purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered
180 animals or a facility operated for the same purpose under a contract with any locality.

181 "Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane
182 society, animal welfare organization, society for the prevention of cruelty to animals, or other similar
183 entity or home-based rescue that releases companion animals for adoption.

184 "Research facility" means any place, laboratory, or institution licensed by the U.S. Department of
185 Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are
186 carried out, conducted, or attempted.

187 "Sanitize" means to make physically clean and to remove and destroy, to a practical minimum,
188 agents injurious to health.

189 "Sore" means, when referring to an equine, that an irritating or blistering agent has been applied,
190 internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has
191 been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that
192 has been injected by a person into or used by a person on any limb or foot of an equine; any other substance
193 or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a
194 practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such
195 equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or
196 lameness when walking, trotting, or otherwise moving, except that such term does not include such an
197 application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine
198 by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the
199 contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9
200 C.F.R. Part 11.2.

201 "Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed
202 veterinarian that renders a dog or cat permanently incapable of reproducing.

203 "Treasurer" includes the treasurer and his assistants of each county or city or other officer
204 designated by law to collect taxes in such county or city.

205 "Treatment" or "adequate treatment" means the responsible handling or transportation of animals
206 in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of
207 the animal.

208 "Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

209 "Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid
210 food or food customary for the adult of the species and has ingested such food, without nursing, for a
211 period of at least five days.

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